THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

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WRIT PETITION NO : 24672 of 2001

04-10-2005

Between:

1. Kancharla Eswara Rao s/o Satyanarayana and others.

..... PETITIONERS

AND

1. The Government of A.P. rep. By its Secretary, Housing and Municipal Administration, Secretariat Buildings, Hyderabad and another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

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WRIT PETITION NO : 24672 of 2001

O R D E R:

This writ petition has been filed by the petitioners with a prayer to issue a writ or direction preferably writ of Mandamus declaring the proceedings of the respondents in not allotting alternative equivalent substituted land as per the undertaking given by the 2nd respondent to them as illegal and arbitrary.

Kancharla Eswara Rao, who is the 1st petitioner herein, has given his sworn affidavit in support of the writ petition. The case of the petitioners as disclosed in the affidavit in brief is that all the petitioners are residents of Jawaharnagar of R.T.C. Cross Roads, Chikkadpally, Hyderabad. The 1st petitioner is the absolute owner and possessor of the premises bearing No. TRT-36 M.C.H.No.1-1-18/90 situated at Jawaharnagar, R.T.C Cross Roads, Chikkadpally, Hyderabad. The 2nd petitioner is the absolute owner and possessor of the premises bearing No. TRT-33 M.C.H. No.1-1-18/90 situated at Jawaharnagar, R.T.C.Cross Road, Chikkadpally, Hyderabad admeasuring 188.84 sq.yards. The 3rd petitioner is the absolute owner and possessor of the premises bearing No. TRT-37 M.C.H.No.1-1-18/94 admeasuring 188.84 sq.yds situated at Jawaharnagar, R.T.C. Cross Roads, Chikkadpally, Hyderabad. The 4th petitioner is the absolute owner and possessor of the premises bearing No. TRT-24 M.C.H. 1-1-18/81 admeasuring 188.84 sq.yds, Chikkadpally, Jawaharnagar, R.T.C. Cross Roads, Hyderabad. The 5th petitioner is the absolute owner and possessor of the premises bearing No. TRT-21 M.C.H.No.1-1-18/78 admeasuring 188.84 sq.yds situated at Jawaharnagar, R.T.C. Cross Roads, Chikkadpally, Hyderabad. The 6th petitioner is the absolute owner and possessor of the premises bearing No. TRT-9 M.C.H.No.1-1-18/57 admeasuring 229.37 sq.yds situated at Jawaharnagar, R.T.C. Cross Roads, Chikkadpally, Hyderabad. The 7th petitioner is the absolute owner and possessor of the premises bearing No. TRT-20 M.C.H.No.1-1-18/68 admeasuring 191.07 sq.yds situated at Jawaharnagar, Chikkadpally, R.T.C.Cross Roads, Hyderabad. The 8th petitioner is the absolute owner and possessor of the premises bearing No. TRT-17 M.C.H.No.1-1-18/65 admeasuring 188.84 sq.yds situated at Jawaharnagar, R.T.C. Cross Road, Chikkadpaly, Hyderbad. They purchased their respective houses from the Commissioner of Labour, Government of Andhra Pradesh under registered sale deeds. While so, the respondents have undertaken to widen the above said main road from existing 60 ft. to 80 ft. In view of the same, all the petitioners handed over 36.66 sq.yds of land on the ground floor, except that the petitioners 5 and 7 who handed over 40 sq.yds of land area in T.R.T.Nos. 21 and 20 respectively to the Municipal Corporation of Hyderabad. Accordingly,

the Municipal Corporation of Hyderabad has paid compensation to the petitioners with regard to the structures made by them on the land taken over for road widening. The grievance of the petitioners is that the Muncipal Corporation of Hyderbad has not paid the cost of the land or provided alternative site to them. Thus the present writ petition with the prayer as stated supra.

Heard the learned counsel for the writ petitioners.

There is no representation on behalf of the respondents.

The respondents have not chosen to file counter affidavit contraverting the averments of the writ petition.

The petitioners have specifically stated in paragraph 5 of the affidavit regarding their claim for allotment of alternative site to them. I deem it appropriate to refer paragraph –5 of the affidavit and it reads thus:

> " The Municipal Corporation of Hyderabad has taken over the above mentioned land on 15-06-1998 by demolishing the structures. And the compensation for structures was also paid to the petitioners. We further submit that as per the aforesaid understanding between the land owners and Municipal Corporation, the Municipal Corporation has to allot the alternative site (land) to the petitioners, but except the petitioners some of the land loosers in the same area were allotted alternative site to the same extent which was taken over by the Municipal Corporation, behind their own houses where open land was available. And for some people allotted land at Indira park area. But in case of the petitioners no alternative site was allotted so far. We made number of representations on behalf of the "JAWAHARNAGAR SRT & TRT QUARTERS RESIDENTIAL SOCIETY (REGD.)" to the Commissioner of Municipal Corporation of Hyderabad but so far no action was taken. I submit that the inaction of the Respondents is illegal, arbitrary and discriminate between the equals."

It is the specific case of the petitioners that the 2nd respondent has taken over the possession of their land but they have not been paid compensation. It is also their case that alternative site has not been provided to them.

In that view of the matter, I deem it appropriate to direct the respondents to pass appropriate orders with regard to the payment of compensation to the

petitioners for the land taken over by the 2nd respondent in road widening or allot alternative land instead of compensation within three months from the date of receipt of a copy of the order.

With the above observation, the writ petition is disposed of. No costs.

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04-10-2005

Mjl/*